

ESTTA Tracking number: **ESTTA218062**

Filing date: **06/16/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Ted Gibson & Company, Inc.		
Entity	Corporation	Citizenship	New York
Address	c/o Kantor Davidoff et al. 51 East 42nd New York, NY 10017 UNITED STATES		

Attorney information	Michael A Grow Arent Fox LLP 1050 Connecticut Avenue Washington, DC 20036 UNITED STATES growm@arentfox.com, giulianc@arentfox.com, henrye@arentfox.com Phone:202-857-6389
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Registration Subject to Cancellation

Registration No	3067616	Registration date	03/14/2006
International Registration No.	NONE	International Registration Date	NONE
Registrant	DM PERSONAL CARE PRODUCTS, INC. 15 WEST SOUTH TEMPLE SUITE 1400 SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2003/04/01 First Use In Commerce: 2003/04/01
All goods and services in the class are cancelled, namely: Hair preparations, namely creme hair dressing, hair spray and hair conditioners and shampoos

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	TAMECANCELLATION_.pdf (3 pages)(66962 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michael A. Grow/
Name	Michael A Grow
Date	06/16/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 3067616 for the mark TAME issued on March 14, 2006

TED GIBSON & COMPANY, INC.

Petitioner

v.

DM PERSONAL CARE PRODUCTS, INC.

Registrant

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Canc. No. _____

PETITION FOR CANCELLATION

Petitioner believes that it will be damaged by the continued existence of Registration No. 3067616 and hereby petitions to cancel this registration pursuant to Section 14 of the Trademark Act of 1946, 15 U.S.C. §1064. As grounds for cancellation, Petitioner alleges that:

1. Petitioner is the owner of all right, title and interest in and to the mark TAME IT, which will be used or has been used on hair shine lotion.
2. Registrant obtained Registration No. 30367616 for the mark TAME for "hair preparations, namely, crème hair dressing, hair spray and hair conditioners and shampoos".
3. Registration No. 3067616 has been cited by the Patent and Trademark Office as a bar to registration of Petitioner's Application No. 77/136988 for the mark TAME IT on the grounds that the marks are so similar as to create a likelihood of confusion.

ABANDONMENT

4. Registration No. 3067616 should be canceled because the mark shown therein has been abandoned.

5. On information and belief, any rights in the mark TAME that Registrant might ever have claimed were abandoned through non-use in that Registrant has ceased using the mark with an intent not to resume use.

6. On information and belief, Registrant is not entitled to continued registration of the mark TAME because Registrant has no bona fide intent to use or to resume use of the mark in connection with all of the goods listed in the registration.

7. On information and belief, Registrant never used the mark TAME on all of the goods listed in the registration.

8. By reason of the foregoing, Petitioner will be damaged by the continued registration of Registrant's alleged mark and the registration should be cancelled.

WHEREFORE, Petitioner requests that the Board grant this petition for cancellation.

TED GIBSON & COMPANY, INC.

By Chiara Giuliani
Michael A. Grow
Chiara Giuliani
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 857-6000

Attorney for Petitioner

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing petition to cancel is being served upon Registrant DM Personal Care Products, Inc. at Suite 1400, 15 West South Temple, Salt Lake City, Utah 84101, by first class mail, postage prepaid, on June 16, 2008.


